

REMARKS

This Amendment is being filed in response to the Office Action mailed July 28, 2004 having a shortened statutory response period ending on October 28, 2004. This response is filed within the statutory response period. New claims 44-46 have been added. Claims 20-24, directed to a non-elected invention, have been canceled. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 02-1818.

Claims 16-19, 25-39, and 41-43 were rejected as being obvious over by U.S. Patent No. 5,433,960 to Meyers (*Meyers*) and claim 40 stands rejected as being obvious in view of *Meyers* and U.S. Patent No. 5,948,430 to Zerbe et al. (*Zerbe*). Applicants respectfully traverse these rejections as *Meyers* and *Zerbe*, either alone or in combination, fail to teach or suggest the subject matter recited in the present claims.

Meyers and *Zerbe*, either alone or in combination, do not disclose a pullulan-free stand alone edible film having similar properties as a pullulan-based edible film as recited in the present claims. Rather, *Meyers* discloses a chewing gum coating. The *Meyers* coating requires a support substrate upon which to be applied, the support substrate being a chewing gum piece. *Meyers* has no disclosure whatsoever that the coating may stand alone or is otherwise self-supporting. Similarly, the *Zerbe* composition requires a carrier substrate for support. *Zerbe*, col. 3 lines 50-60. Thus, *Meyers* and *Zerbe* each fail to teach or suggest a stand alone film composition.

Moreover, when the claims are properly interpreted in view of the specification, it is clear that the recited "stand alone" film does not include pullulan-like ingredients or other expensive support ingredients. See present specification page 8 lines 18-31, page 13 line 10 through page 14 line 5. The term "stand alone" thereby denotes a self-supporting film and the specification clarifies that the stand alone film does not include pullulan-like ingredients. Accordingly, when the claims are interpreted consistent with the specification, it is readily apparent that *Meyers* and *Zerbe* have no disclosure regarding 1) a stand alone film and 2) a pullulan-free film with film properties similar to a pullulan-based edible film. Indeed, *Meyers* actually suggests a pullulan-like composition as the *Meyers* coating may be made of pullulan. *Meyers*, col. 8 line 6, col. 8 line 25. Consequently, *Meyers* and *Zerbe* do not teach or suggest a pullulan-free stand alone edible film that has film properties substantially similar to a pullulan-based edible film as recited in the present claims.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett
Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

Dated: October 28, 2004